

Summary of HJR 46 Work Group Session

Oct. 24, 2007

SAVA Update

Sue O'Connell updated the work group on the Oct. 20 meeting of the State Administration and Veterans' Affairs Interim Committee. The committee requested more information on the four areas identified by the work group as areas of interest even though they may be outside of the scope of House Joint Resolution 46:

- Requiring county election administrators to conduct school elections.
- Possibly consolidating school and primary elections on a new election date if they are administered by the county.
- Funding and resource issues related to conducting elections.
- Holding elections on Saturdays.

Several work group members volunteered to participate in panel discussions on these topics at the Nov. 30 SAVA meeting.

Mail Ballot Elections

Meeting with the Postal Service

Duane Winslow updated participants on the meeting the Secretary of State's Office held with the U.S. Postal Service, to discuss the details of handling mail ballot elections. He said the meeting covered several topics, including the non-forwardability of mail ballots and more favorable rates for the mailing of ballots. The Postal Service will attend the training session for clerks and recorders in December, so everyone can be more familiar with issues involved in mail ballot elections. Some questions were raised about instances in which some counties had not indicated on the ballot envelopes that non-deliverable ballots should not be forwarded.

Absentee Voting Review

Joe Lamsom provided participants with spreadsheets sorting absentee voter data to compare the percentage of absentee votes cast and counted in each county to the state average.

Briefing Paper

Participants discussed a revised draft of a mail ballot briefing paper for SAVA and raised the following as issues they felt should be added to the Pros and Cons section:

- A voter in a mail ballot election would not be able to reactivate a lapsed registration at a polling place, as is possible now. The voter would have to go to the county elections office to do so, and this may be more difficult.
- Mail delivery issues involving the forwarding of mail ballots should be noted, since it has happened.
- Counties may need to spend more money on advertising because people won't be used to voting by mail.
- Political candidates may be affected by the change because they'll have to change their strategies to campaign during the entire time the voting period is open.
- Signature verification may not be a strong enough guard against fraud.
- Mail ballots give non-election workers, such as postal workers, responsibility for ballots.

Participants also asked for additional information on trends in registration and turnout among the voting age population in Montana, as well as county turnout in some specific Oregon counties where the turnout for tribal precincts is noted. They also discussed issues that have come up in mail ballot elections in some of Montana's larger cities this fall; those will also be included in the briefing paper.

Chapter 19 Revisions

Participants went through proposed revisions to Title 13, Chapter 19, the mail ballot election chapter and considered additional changes in these areas:

- Revising the proposed definition of voted ballot to indicate the mailed ballot is considered voted when it is received by the elections office or at a place of deposit.
- Removing proposed language trying to align deadlines for initiation and planning for mail ballot elections with school deadlines for calling elections, because they have not been a problem in the past.
- Adding language to require that the written plan submitted to and approved by the Secretary of State's Office includes the written instructions that will be given to voters.
- Removing proposed language establishing a minimum number of places of deposit from the legislation designed to clean up and clarify election laws. Work group participants felt the language may be more appropriate for any bill that would require federal elections to be conducted by mail, since turnout would be higher.
- Adding language that allows the election administrator to place a ballot in a secrecy envelope, if the voter has failed to do so. This language would reflect a practice already allowed in statute for absentee ballots.

Recommendation to SAVA

Work group members did not come to a consensus decision on whether to expand or require the use of mail ballot elections. They decided instead to present the following options to SAVA without a recommendation:

- Make no change in the current statute, which allows mail ballot elections for certain local elections.
- Introduce legislation to give counties the option of conducting all of their elections by mail.
- Introduce legislation to establish a pilot project in which mail ballot elections could be held in selected areas for all elections, including federal elections, so additional information could be gathered on questions raised by the work group, such as mail delivery issues, voter turnout, and the potential for fraud.
- Introduce legislation to require that all elections be conducted by mail.

Participants

Beth Brenneman, Montana Advocacy Program
Jeanne-Marie Souvigney, Montana Conservation Voters
Deb Mart, Cascade County Clerk and Recorder's Office
Rina Moore, Cascade County Clerk and Recorder
Vickie Zeier, Missoula County Clerk and Recorder
Alan Miller, Secretary of State's Office
Lynda Brannon, Montana Association of School Business Officials
Bob Vogel, Montana School Boards Association
Joe Lamson, Office of Public Instruction
Jackie Boyle, Office of Public Instruction
Duane Winslow, Secretary of State's Office/Yellowstone County
Sara Busey, League of Women Voters
Alysha Goheen Janotta, Montana Women Vote
Joy Bruck, AARP
Sheryl Wood, Montana Association of Counties
Chuck Denowh, Montana Business Leadership Council
Chris Wilcox, Montana Republican Party
Sue O'Connell, Legislative Services Division